

ORIGINAL

Volume: I
Pages: 157
Exhibits: 37

COMMONWEALTH OF MASSACHUSETTS

04-10644-MEL

* * * * *

Linda Mellen,

Plaintiff

vs.

Trustees of Boston University
and Frances A. Drolette,
Defendant.

* * * * *

DEPOSITION of George T. Snowdon, a witness
called on behalf of the plaintiff, taken pursuant to
the Massachusetts Rules of Civil Procedure, before
Shawna Delia Hoban, a Professional Court Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Harry C. Beach, on
Thursday, December 16, 2004, commencing at 10:02 a.m.

Shawna Delia Hoban
P.O. Box 364, Westwood, MA 02090
508.212.3553

A P P E A R A N C E S

Harry C. Beach, Esquire
Law Offices of Harry C. Beach
30 Walpole Street
Norwood, MA 02062

Counsel for the Plaintiff

Crystal D. Talley
Associate General Counsel
Office of the General Counsel
Boston University
125 Bay State Road
Boston, MA 02215

Counsel for the Defendant

1 George T. Snowdon, SWORN

2
3 DIRECT EXAMINATION BY MR. BEACH:

4 MR. BEACH: Could you state your name for the
5 record, please?

6 MR. SNOWDON: George Snowdon.

7 MR. BEACH: And your date of birth?

8 MR. SNOWDON: September 19, 1953.

9 MR. BEACH: And the town of your residence right
10 now?

11 MR. SNOWDON: I live in Watertown, Massachusetts.

12 MR. BEACH: Do you have any plans to move out of
13 state in the next eighteen months or so?

14 MR. SNOWDON: No.

15 MR. BEACH: Mr. Snowdon, your counsel may have
16 already pointed this out to you or you may know it
17 from your own experience, but today is an opportunity
18 that the Federal Civil Procedures give me to ask you
19 certain questions under oath as they relate to the
20 allegations and offenses set out in the lawsuit before
21 us; that is, Linda Mellen versus Trustees of BU and
22 Frances Drolette.

23 As you know, that action is pending in Federal
24 Court and today is the opportunity the rules allow me

1 Q. Do you have any way to ball park for me today --
2 understanding that ball parks can be large, ball park
3 for me today the number of terminations you've been
4 involved with since 1996?

5 A. I cannot even venture a guess, sir.

6 Q. Do you have any sense whether it's more or less than
7 ten?

8 A. It would be more than ten.

9 Q. And, again, I understand what you said but let me
10 press you just a little. Do you have any sense
11 whether it's more or less than fifty?

12 A. Probably more than fifty.

13 Q. I'll leave it at that for now, understanding your
14 testimony. How many employees, BU employees, have you
15 been involved with in connection with their
16 termination who had more than ten years experience,
17 who had no job deficiency or attendance issues in
18 their personnel files, who were terminated for missing
19 one day of work?

20 MS. TALLEY: Objection.

21 A. I can't recall any such instances off hand.

22 Q. BU has a policy, Mr. Snowdon, doesn't it which applies
23 a three work-day grace period for unexcused absences?

24 MS. TALLEY: Objection.

1 have resigned voluntarily from the University.

2 Q. And is it your view, Mr. Snowden, that Section 312.7
3 supersedes or nullifies 202.1?

4 MS. TALLEY: Objection.

5 A. As it relates to a person who is out on the Family
6 Medical Leave Act, yes.

7 Q. Is there anything in the Personnel Manual here, sir,
8 which states or allows the reading that 312.7 trumps
9 202.1?

10 MS. TALLEY: Objection. You can answer.

11 A. I am not aware of any specific provision that
12 addresses that.

13 MR. BEACH: Can we go off the record a second?

14 Q. Currently, sir, how many employees are at the Medical
15 Campus?

16 A. Approximately thirty-five hundred.

17 Q. And in that count do you include faculty?

18 A. Yes, I do.

19 Q. And was that roughly the same situation in 2003; that
20 is, somewhere around thirty-five hundred?

21 A. Yes.

22 Q. And employees on the Medical Campus, they accrue
23 vacation leave as they continue to serve as employees;
24 is that correct?

1 A. Yes, they do. Yes.

2 Q. And they accrue sick leave; is that correct?

3 A. Yes.

4 Q. And these employees, they routinely take vacation
5 leave and sick leave and personal leave over the
6 course of the year; don't they?

7 A. Yes.

8 Q. BU also recognizes other kinds of authorized absences;
9 doesn't it? Other than vacation, sick and personal?

10 A. I'm not sure what you're referring to.

11 Q. BU recognizes that sometimes employees are out on
12 authorized leave because of an on-the-job injury; is
13 that correct?

14 A. Yes.

15 Q. And sometimes employees are out of work because of
16 maternity leave for which they may get paid; is that
17 correct?

18 A. Yes.

19 Q. And sometimes employees are out on sympathy leave
20 under the rules of the Personnel Policy Manual; isn't
21 that correct?

22 A. Yes.

23 Q. Sometimes employees are out on jury duty or military
24 leave; is that correct?

1 A. Yes.

2 Q. And those are all, assuming the appropriate notice,
3 authorized leaves of absences; isn't that correct?

4 A. Yes.

5 Q. And these employees, as a general matter on the
6 Medical Campus, they return after their period of
7 authorized leave; isn't that correct?

8 A. Yes.

9 Q. On occasion -- is it your experience, though, on
10 occasion, that employees return to work later than
11 their supervisors expected?

12 A. Yes.

13 Q. To your knowledge, understanding that you've been at
14 BU since '92 and Director of Personnel since '96, how
15 many Medical Campus employees have been terminated
16 because they did not appear for work on the very first
17 day they were expected to return from their authorized
18 leave?

19 MS. TALLEY: Objection. You can answer.

20 A. Although I can't cite the instances off hand, I
21 believe that there have been occasions of that in the
22 past.

23 Q. Any way to number, roughly or specifically, the number
24 of occasions where employees have been terminated

1 because they did not appear for work on the first day
2 they were expected to return?

3 A. I believe there would be a handful or less.

4 Q. And to your knowledge, did these employees have a
5 previous history of taking unauthorized or unexcused
6 leave from their employment?

7 A. I don't recall.

8 Q. Prior to the letter that Ms. Drolette sent out on
9 November 20, 2003; that is, Exhibit No. 3, what
10 investigation did your office conduct as to why Linda
11 Mellen did not appear for work on November 19?

12 MS. TALLEY: Objection. You can answer.

13 A. We did not conduct any investigation.

14 Q. And maybe investigation is an ambiguous word, but did
15 your office conduct or undertake any kind of inquiry
16 before this letter went out, Exhibit No. 3, as to why
17 Linda Mellen did not report to work on November 19?

18 A. No.

19 Q. Do you know whether Frances Drolette made any inquiry
20 before signing and sending Exhibit No. 3 as to why
21 Linda Mellen was not at work on November 19?

22 A. I don't know.

23 Q. Did you ever ask her whether she looked into why Linda
24 wasn't at work on the nineteenth?

1 employee to take leave under that law?

2 MS. TALLEY: Objection.

3 A. Yes.

4 Q. Is it your understanding as well, Mr. Snowdon, that
5 the Family and Medical Leave Act requires an employee
6 to request, with reference to the FMLA, family leave?

7 MS. TALLEY: Objection. You can answer that if
8 you can.

9 A. I don't know; I can't say.

10 Q. Prior to the separation of Linda Mellen in November
11 2003, had you ever been involved in a termination of a
12 BU employee who had an unblemished, long-term tenure
13 at BU because that employee missed one day of work?

14 MS. TALLEY: Objection.

15 A. I don't recall.

16 MR. BEACH: Let me know if you need to take a
17 break or stretch, Mr. Snowdon, and I'll just keep
18 pushing on.

19 Q. If I could, sir, 308.1 of the Personnel Manual. With
20 reference to 308.1, sir, on page forty-six, am I
21 correct in reading this that BU has a policy of twelve
22 authorized paid holidays to a normal work year?

23 A. Yes.

24 Q. And in 2003, BU added for that year the Daniel S.